

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**CHRISTOPHER FERGUSON,
individually and on behalf of others
similarly situated**

Plaintiffs,

V.

TEXAS FARM BUREAU BUSINESS CORPORATION, TEXAS FARM BUREAU CASUALTY INSURANCE COMPANY, TEXAS FARM BUREAU MUTUAL INSURANCE COMPANY, TEXAS FARM BUREAU UNDERWRITERS, FARM BUREAU COUNTY MUTUAL INSURANCE COMPANY OF TEXAS, SOUTHERN FARM BUREAU LIFE, INSURANCE COMPANY, and TEXAS FARM BUREAU,

Defendants.

[illegible]

CIVIL ACTION NO. 6:17-CV-00111

NOTICE OF TRIAL PROCEDURES

On August 19, 2024, the Court held a final pretrial conference and pre-voir dire conference, where the Court discussed logistics for the upcoming trial. This Order notifies the parties of the following trial procedures.

I. GENERAL TRIAL PROCEDURES

A. Jury Selection

Jury Selection will begin at 9:30 AM on Thursday, August 22, 2024, in Courtroom #2 in the United States District Court, 800 Franklin, Waco, Texas 76701. Eight jurors will be selected for this trial. Each party will have four peremptory strikes. The Court will provide the parties

with 45 minutes per side to conduct general and individual *voir dire* of the venire panel. The Court will provide the parties with a diagram of the room that identifies the jurors and their seat assignments.

B. Trial

Trial will begin at 1:00 PM or immediately after jury selection on Monday, August 26, 2024, in Courtroom #2 in the United States District Court, 800 Franklin, Waco, Texas 76701. The parties shall jointly provide notebooks to the jurors on the first day of trial before the trial begins. The notebooks shall contain the following:

- Blank pages for taking notes;
- A pen; and
- A page for each witness who will testify including the witnesses name and a photograph of the witness.

There will be no trial on September 2nd and trial is anticipated to be complete by September 11, 2024. Trial will generally begin at 9:00 AM each day, and end around 5:30 PM each day, but may require earlier start and later end times as the Court deems necessary. The Court will take a morning break, a 1.5-hour lunch break, and an afternoon break. The Court might also need to take periodic breaks to handle unrelated criminal matters but will work to minimize any such breaks. The Court expects any objections to demonstratives, exhibits, witnesses, or deposition designations shall be addressed during one of these breaks, before the jury convenes in the morning, or after the jury leaves for the day.

Each side is allotted 45 minutes for opening statements and 45 minutes for closing arguments.

The parties shall use electronic exhibits for any exhibit displayed and/or given to the jury, unless providing or displaying an exhibit electronically is impractical or restricted under the protective order. For the sake of clarity, any witness, counsel, staff, and the Court may each have his or her own set of physical exhibits. However, physical exhibits will not be passed to the jury or sent back to the jury room.

C. Trial

The following procedure will govern the disclosure of witnesses, exhibits, deposition testimony, and demonstratives to use at trial and the process to identify any objections remaining between the parties regarding these disclosures:

- a. By **5:00 PM two days before their intended testimony and use**, each party shall exchange by email a list of witnesses it intends to call, deposition designations it intends to play, and demonstrative exhibits for use during opening statements or direct examination—but not for cross examination—and identification of the witness each such demonstrative will be used with. For example, if a witness will be called for direct examination on Monday and demonstrative exhibits will be used with that witness, the witness must be identified and the demonstrative exhibits provided to opposing counsel by email no later than 5:00 PM Saturday.
- b. By **7:00 AM one day before their intended use**, the parties shall exchange objections to witnesses, demonstratives, or deposition designations, and any counter deposition designations. For example, if a witness will be called on Monday and demonstrative exhibits will be used with that witness or deposition designations will be played on Monday, the opposing party must provide its objections and counter designations by 7:00 AM on Sunday.
- c. By **9:00 AM one day before their intended use**, the parties shall jointly email the Court any remaining objections to witnesses, demonstratives, or deposition designations to be used the following day. The parties shall state their position on each dispute in three sentences or less and shall attach to the email digital copies of all relevant exhibits, demonstratives, or deposition designations with any disputed passages highlighted.
- d. The Court will rule on evidentiary issues submitted to the Court at the lunch or afternoon break one day before each day of trial at issue. Any disputes for the first Monday of trial will be resolved at 8:30 AM on Monday morning.

SIGNED this 19th day of August, 2024.



DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE